

SESSIONAL PAPER No. 18

Appeals from
definitive
Judgments.

Art 24. The Party meaning to Appeal from any definitive Sentence or Judgment of any of the Courts of Common Pleas shall sue out a Writ from the Courts of Appeals, tested and signed by the Governor, Lieutenant Governor, or Chief Justice, stating that the Appellant complains of being aggrieved by the Judgment, and therefore commanding the Judges of the inferior Court, or any Two of them, to send up the Original Papers and Proceedings found in the Records or Registers of the Court concerning the same. Such Writ, when presented to any of the Judges of the Court below, shall be allowed by him, if the Appellant has given the requisite security, which Security is hereby understood to be Personal Security, or Bail by Justification, any Law, usage, or Custom to the Contrary notwithstanding. Provided nevertheless, that an Appeal may be had and obtained in manner abovesaid from any Interlocutory Sentence or Judgment which may carry execution by ordering something to be done or executed that cannot be remedied by the final sentence or Judgment, or whereby the Right of the matter in Contestation between the Parties may be in part decided, or whereby final hearing and Judgment may be unnecessarily delayed : Provided always, That such Appeal shall not be granted and allowed, except upon Motion made in the Court of Appeals for that Purpose, and a Rule served upon the other Party, or his Attorney, to shew cause why a Writ of Appeal from such Interlocutory Sentence or Judgment should not be granted :—And it is hereby ordained, that a Rule so served shall have the Effect to stay Execution upon such Interlocutory Sentence or Judgment, till the determination of the Motion for such Appeal ; and if the Writ of Appeal shall be awarded thereupon, and allowed by the Judges in manner as aforesaid, the Clerk of the Court shall proceed to comply with the Order of the Writ, and the Judges, or any Two of them, shall make their Return as therein commanded.

Appellant to
file his
Reason of
Appeal in
Eight Days.

Art 25. If the Appellant does not, within Eight Days after the Return of the said Writ, and the Transmission of the Proceedings, file his Reasons of Appeal, the Appellee shall obtain a Rule or Order, that unless the Appellant's Reasons of Appeal are filed in Four Days, the Appeal will be dismissed : And if the said Reasons of Appeal are not filed within Four Days after Service of the said Rule, on the Appellant or his Agent, the Appeal shall be accordingly dismissed with Costs.

Appellee to
file his An-
swers in
Eight Days.

Art 26. Within Eight Days after the Reasons of Appeal are filed, the Appellee shall file his Answers thereto ; or if he neglects so to do, the Appellant shall obtain a Rule or Order, that unless the Appellee file his Answers within Four Days, he